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W.A.[MD]Nos.160 to 163 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]Nos.160 to 163 of 2018

and C.M.P.[MD]Nos.882 to 888 of 2018

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli District.

: Appellant

Vs.

A.Subramanian

: Respondent

COMMON PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 11.11.2014 made in W.P.[MD]No.4066, 4067, 4068 and 4069 of 2010 respectively, on the file of this Hon'ble Court and allow this Writ Appeal.

Prayer in WP(MD). 4066/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records of the respondent in Na.Ka.No. 4856/2008/.....1 dated 25.07.2008 and quash the same.

Prayer in WP(MD). 4067/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records of the respondent in Na.Ka.No. 5907/2008/.....1 dated 13.08.2008 and quash the same.

Prayer in WP(MD). 4068/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records of the respondent in Na.Ka.No. 5907/2008/.....1 dated 18.08.2008 and quash the same.

Prayer in WP(MD). 4069/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records of the respondent in Na.Ka.No. 4856/2008/.....1 dated 29.08.2008 and quash the same.

For Appellant

: Mr.Aayiram K.Selvakumar

For Respondent

: Mr.V.Meenakshi Sundaram

[In all cases]



COMMON JUDGMENT

[Common Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the appeals itself are taken up for final disposal.

2.Heard Mr.Aayiram K.Selvakumar, learned Counsel appearing for the appellant and Mr.V.Meenakshi Sundaram, learned counsel appearing for the respondent.

3.The writ petitions filed by the respondents were allowed by a common impugned order dated 11.11.2014. The challenge in the writ petitions was to the charge memo issued to the respondents containing various articles of charges relating to non-assessment of the vacant land tax, property tax and building tax and non-calculation of tax and failure to initiate criminal prosecution against illegal construction.

4.The learned Writ Court, after taking note of various decisions including the decision of the Hon'ble Division Bench in the case of **M.Siva Vs. The Commissioner Pallavaram Municipality [2007 Writ Law Reported 246 (DB)]** allowed the writ petitions. Further more, the Writ Court also took note of the fact that the allegation of non-performance of duties was during the period ranging from 1997 to 2006, whereas the charge memos were issued much after, that too on the verge of the respondents' retirement.

5.Having gone through the impugned orders, we find that there is no ground made out by the appellant Corporation to interfere with the same. Accordingly, the Writ Appeals stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To
The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli District.

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+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-20664[F] dated
30/06/2021)

COMMON JUDGMENT MADE IN
W.A.[MD]Nos.160 to 163 of 2018
29.06.2021

KG (CO)
TR(06.07.2021) 3P 3C